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10/567,675

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Andre Latenstein Van Voorst

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

CHU, KIM KWOK

ART UNIT

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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/567,675 | Applicant(s) LATENSTEIN VAN VOORST, ANDRE | |
| | Examiner Kim-Kwok CHU | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 2/9/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-16 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Objections

1. Claims 1-16 are objected to because of the following informalities:

(a) in claim 1, all the numerical labels such as (1; 111), (3; 103) should be deleted;

(b) similarly, in claims 2-16, all the numerical labels should be deleted;

(c) in Claim 6, last two lines, the phrase "is a spherical element (3), for example, a ball" should be rewritten as --is a spherical element in form of a ball--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) in Claim 15, last two lines, the phrase "has a diameter of about 5 mm or less, particularly about 1 mm or less" is not definite because it is not clear whether the claimed

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diameter is "5 mm or less" or 1 mm or less". Applicant should define the shaft's diameter in one range instead of two different ranges.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-14 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hall (U.S. Patent 4,320,425).

6. Hall teaches an information carrier having all of the elements and means as recited in claims 1-5, 7-13 and 16, For example, Hall teaches the following:

(a) with respect to Claim 1, the information carrier (cartridge) 2 comprising a disc 8 (Fig. 1) provided with positioning means 48 which are arranged to cooperate with a disc drive turntable 4 for positioning (centering) the disc 8 on the turntable 4 (Fig. 2; disc 8 is positioned in hollow 60) and which are at least movable (deflectable relative to the disc 8

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in a transversal disc direction (Figs. 2 and 8; positioning means 48 moves up and down because it is connected to deflectable means 30; column 3, lines 26-30).

(b) with respect to Claim 2, the positioning means 48 are at least movable (deflects) between a first position wherein the positioning means 48 are substantially located within the information carrier (Fig. 2; plug 48 is part of the information carrier 2) and a second position wherein the positioning means 48 project at least partially from a side of the information carrier 2 (Fig. 2; plug 48 deflects up and down with respect to the disc surface 2).

(c) with respect to Claim 3, the information carrier 2 comprises means 30 for moving the positioning means 48 towards the first position (Fig. 2; means 30 is a deflectable means).

(d) with respect to Claim 4, the movable positioning means 48 extend at least partially into an aperture of the disc 2 (Fig. 2; part of the plug 48 is within the center hole of the disc 8).

(e) with respect to Claim 5, the positioning means 48 comprise a movable positioning element 30 (Fig. 2).

(f) with respect to Claim 7, a central part of the disc 8 comprises the positioning means 48 (Fig. 2).

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(g) with respect to Claim 8, the positioning means 48 are arranged to be moved by a magnetic field (Fig. 5; rotating of the disc 8 is caused by magnetic field).

(h) with respect to Claim 9, the information carrier 2 comprises a cassette 2 containing the disc 8 (Fig. 2).

(i) with respect to Claim 10, the cassette 2 is arranged (structured) for moving the positioning means 48 in the transversal disc direction (Fig. 2; the cassette is used to position the disc 8 so that deflection means 30 causes positioning means 48 moves up and down relative to the disc plane).

(j) with respect to Claim 11, the cassette 2 comprises a movable (adjustable) cassette part 20 (clamping member) which is connected to the positioning means 48 for the movement thereof (Fig. 2; clamp is an adjustable means).

(k) with respect to Claim 12, the turntable 4 suitable for cooperation (drive) with the positioning means 48 (Fig. 2).

(l) with respect to Claim 13, the turn table (disc drive) 4 comprising a positioning aperture 64 for receiving at least part of the positioning means 48 of the information carrier for positioning the disc 2 (Fig. 2).

(m) with respect to Claim 16, the turntable 4 comprises a device (disc drive) for reading information from and/or writing

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information onto an information carrier (Fig. 2; disc drive unit 4 is used for read/write operation; column 2, lines 45-48)

7. Hall teaches a turntable having all of the elements and means as recited in claim 14. For example, Hall teaches the following:

(a) with respect to Claim 14, the turntable 4 comprising a shaft 48 for positioning a disc 8 of an information carrier 2 by means of a respective disc aperture 64 (Fig. 2), which disc positioning shaft 48 is substantially movable in a transversal direction with respect to a disc supporting surface 30 of the turntable (Fig. 2; disc supporting surface 30 deflects upward and downward; column 3, lines 26-39).

Allowable Subject Matter

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in

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this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 6, the prior art of record fails to teach or fairly suggest an information carrier having following feature:

(a) a positioning element is a spherical element.

As in claim 15, the prior art of record fails to teach or fairly suggest a turntable the following feature:

(a) a shaft has a diameter of about 5 mm or less.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Related Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Childers et al. (5,331,627) is pertinent because Childers teaches a turntable having a shaft the size of 130 mm.

12. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU

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whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/
Examiner AU2627
August 14, 2008
(571) 272-7585

/Thang V. Tran/
Primary Examiner
Art Unit 2627